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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Rathbun <i>et al.</i>	Confirmation No.:	1597
Serial No.:	10/823,215	Art Unit:	3732
Filed:	April 12, 2004	Examiner:	Bonderer, David A.
For:	FREE HAND DRILL GUIDE	Attorney Docket No:	8932-890-999

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


In response to the Office Action mailed November 10, 2004, Applicants provisionally elect Species A of Invention I – as depicted in Figs. 1-3B, 5A, 5B, 7, 9, 11-13, and 15 - drawn to a drill guide system - for prosecution in this application. Applicants reserves the right to file divisional applications to protect Invention II, and Species B-F of Invention I. Applicants provisionally elect Species A of Invention I with the understanding that the claims shall be restricted to this species only if no claim that is generic to Species A-F of Invention I or Invention II is finally held to be allowable. Applicants believe that pending claims 1-44 and 46-48 are readable on the elected Species.

Applicants respectfully traverse the species restriction to the extent that Applicants' provisionally elected Species A of Invention I is directed to a drill guide, while Species B (Figs. 6A-6B), Species C (Fig. 8), and Species D (Figs. 10 and 18) are also directed to a drill guide system. Thus, because Applicants believe that the classifications of the inventions in Species A-D are the same, and the field of search will be the same, Applicants believe that dividing among these figures is improper. *See* MPEP 808.02. As

such, Applicants believe that Species A-D should all be prosecuted in the present application. In the event that the examiner withdraws the species restriction as to Species A-D, Applicants believe that pending claims 1-48 are readable on Species A-D, and should be prosecuted in the present application.

To account for missing original claim 19, at Examiner's request, Applicants also herein provide a copy of the Renumbered Claims in Appendix A. The remarks provided herein are made in reference to the renumbered claims.

No fee is believed due for this submission. Should any fees be required, however, please charge such fees to Jones Day Deposit Account No. 501013.

Date:	<u>November 22, 2004</u>	Respectfully submitted,	
			
		Brent P. Ray	54,390
		For: Brian Rothery	(Reg. No.)
		(Reg. No. 35,340)	
		JONES DAY	
		222 East 41st Street	
		New York, New York 10017	
		(212) 326-3939	